

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

MICHAEL BRAZELL, JR.
ADC #500711

PLAINTIFF

V.

NO: 5:14CV00328 KGB/PSH

GREGORY SOCIA *et al*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Proposed Findings and Partial Recommendation have been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Michael Brazell, Jr., an Arkansas Department of Correction (“ADC”) inmate, filed a *pro se* complaint on September 3, 2014, and service was ordered. Service for defendant Ross, identified as a Tucker Maximum Security Unit corporal, was attempted in the care of the ADC, but was unsuccessful (docket entry 9). A note accompanying the returned summons indicated that there was no current or former ADC employee with the name Ross at the Tucker Maximum Security Unit. On October 2, 2014, an order was entered directing Brazell to provide Ross’s correct name within 30 days, and warning that his failure to do so may result in the recommended dismissal of his claims

against Ross (docket entry 14).

Brazell has not responded to the order or provided a correct name for Ross, although the docket reflects that he has engaged in discovery. Additionally, Brazell has not requested an extension of time for him to identify the correct name for Ross. His claims against Ross should therefore be dismissed.

IT IS THEREFORE RECOMMENDED THAT plaintiff's claims against defendant Ross be DISMISSED WITHOUT PREJUDICE.

DATED this 8th day of December, 2015.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

UNITED STATES MAGISTRATE JUDGE